

REMARKS

Claims 1-5 and 7-18 are pending in the present application. Claims 3-5, 7 and 12 are withdrawn from consideration as drawn to nonelected species. Claims 1, 10-11, 13 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Lombardo, U.S. Patent No. 5,280,378. Claims 2 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lombardo in view of Batchelder et al., U.S. Patent No. 5,689,333. Claims 8-9, 14, 16 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lombardo in view of Knebel et al., U.S. Patent Application Publication No. 2002/0020800 A1.

Claim 1 has been amended. Reconsideration of the application is respectfully requested.

Rejection under 35 U.S.C. §102(b)

Claims 1, 10-11, 13 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Lombardo, U.S. Patent No. 5,280,378.

Lombardo describes a medical laser system apparently having a partially transparent mirror (unnumbered) that superimposes light from a heating laser 26 with light from a visible light targeting laser 28 to form a beam 32. See Fig. 1 and col. 3, lines 29-24 and 49-52..

Knebel describes a microscope having a beam deflection device 12 for illumination light beam 5, and a second beam deflection device 16 for manipulation light beam 9. A beam splitter/scanning mirror 13 combines the manipulation beam path and the illumination beam path. The scanning mirror 13 is transparent to the light from the manipulation light source. See page 5, sections [0057] and [0059], and Fig. 1.

Batchelder shows mirrors 74, 76 which can move out of the beam path. See Fig. 1.

Independent claim 1 has now been amended so as to recite

a mirror which can be introduced in guided fashion into the illumination and detection beam paths at a position in the illumination and detection beam paths, the detection beam path having a direction opposite to a direction of the illumination beam path at the position, whereby the mirror directs the manipulating light beam via the beam deflection device onto the sample, and wherein the manipulating light beam can be guided over the sample using the beam deflection device.

Support for the amendment may be found, for example, at Fig. 1 and lines 10-13 on page 8 of the present specification. It is respectfully submitted that Lombardo does not teach such a mirror introducible into the illumination and detection beam paths at a position where the detection beam path has a direction opposite to that of the illumination beam path, as recited in claim 1. In contrast, the unnumbered mirror downstream of the lasers 26 and 28 of Lombardo is not disposed in the detection beam path at all. See Lombardo, Fig. 1. Because Lombardo is missing at least the above-recited features of claim 1, this reference cannot anticipate claim 1 or its dependent claims.

Withdrawal of the rejection of claims 1, 10-11, 13 and 15 under 35 U.S.C. §102(b) based on Lombardo is respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 2 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lombardo in view of Batchelder et al., U.S. Patent No. 5,689,333. Claims 8-9, 14, 16 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lombardo in view of Knebel et al., U.S. Patent Application Publication No. 2002/0020800 A1.

Neither of Batchelder or Knebel teaches or suggests the above-recited features of claim 1 missing from Lombardo, i.e., a mirror introducible into the illumination and detection beam paths at a position where the detection beam path has a direction opposite to that of the illumination beam path, where the mirror directs the manipulating light beam via the beam deflection device onto the

sample, and wherein the manipulating light beam can be guided over the sample using the beam deflection device. Because each of Lombardo, Batchelder and Knebel is missing at least the above-recited features of independent claim 1, a combination of these references, to the extent proper, could not render any of the claims obvious.

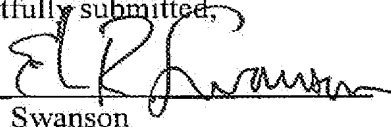
Withdrawal of the respective rejections of claims 2 and 18 under 35 U.S.C. §103(a) based on Lombardo in view of Batchelder, and of claims 8-9, 14, 16 and 17 under 35 U.S.C. §103(a) based on Lombardo in view of Knebel, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,
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